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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,061	01/24/2000	Yoshiki Kawaoka	0905-0226P-SP	6688
7590	01/03/2005		EXAMINER	
Birch Stewart Kolasch & Birch LLP P O Box 747 Falls Church, VA 22040-0747			PHAM, HUNG Q	
			ART UNIT	PAPER NUMBER
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DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/490,061	Applicant(s) KAWAOKA, YOSHIKI	
	Examiner HUNG Q PHAM	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 08/06/2004 with respect to the rejection of claims 7 and 10 under U.S.C. § 112, first paragraph, have been fully considered but they are not persuasive, and the rejection is maintained.

As argued by applicant at pages 6 and 7:

In the specification, the following is described with respect to an embodiment of the present invention. Figures 4 and 5 are flow charts for describing the procedure of processing image file in the image file apparatus. As described, image files that have been recorded on the first memory card 21 are read out (Step 34). Next, the processing for changing the file name is executed (Step 35). Figure 6 is a flow chart illustrating the procedure of processing of changing the file names. As disclosed, the final file number end of the image files that have been stored on the large-capacity floppy disk is read out (Step 51 of Figure 6). Then the numeral obtained in step 51 is incremented and becomes part of the new file name as shown in step 52. In other word, the large-capacity floppy disk is checked merely to retrieve largest number. There is no comparison made to determine if one file name is identical to another file name whatsoever. In other words, the feature of "without checking for duplicate file names in the second loadable and removable recording medium" is clearly disclosed in the specification. Therefore, contrary to the Examiner's assertion, Applicant did possess the claimed invention.

Examiner agrees with applicant that there is no comparison made to determine duplicated file names at FIGS. 4, 5 and 6, but respectfully disagrees that *the feature of "without checking for duplicate file names in the second loadable and removable recording medium" is clearly disclosed in the specification* because of the following reasons:

As recited in claims 7 and 10:

changing a file name of the image file that has been read out of the first loadable and removable recording medium to the incremented file-number to the incremented file-number and recording the read image file on the second loadable

and removable recording medium without checking for duplicate file names in the second loadable and removable recording medium.

As specified at page 17 in the specification:

In the embodiment described above, image file names are numbers, but it goes without saying that the image file names are not limited to numbers. In a case where image file names are other than numbers, whether or not image files having file names identical with those of image files that have been read out of a memory card have been recorded on the large-capacity floppy disk 23 would be checked with regard to each individual file name of the image files that have been recorded on the large-capacity floppy disk 23.

As seen, the claimed ***file name of the image file*** is not limited to number as disclosed in the specification. Hence, the step of checking for duplicate file names is a **must**, *whether or not image files having file names identical with those of image files that have been read out of a memory card have been recorded on the large-capacity floppy disk 23 would be checked with regard to each individual file name of the image files that have been recorded on the large-capacity floppy disk 23.*

2. Applicant's arguments filed 08/06/2004 with respect to the rejection of claims 7-12 under U.S.C. § 103 have been fully considered but they are not persuasive, and the rejection is maintained.

(a) As argued by applicant at page 9:

In the invention as claimed, it is not necessary to check for duplicate file names in the second loadable and recording medium. As noted above, the incrementing device that increments the last file number read out by the file-number read out device As a result, the new file name is prevented from being a duplicate of other file names. Thus, the changing of the file name of the image file from the first device can be performed "without checking for duplicate file names in the second loadable and removable recording medium."

Examiner respectfully traverses because of reasons as discussed above.

(b) As argued by applicant at page 10:

*Clearly, because a check for duplication file names **must always** be made, Fukada is in complete contrast to the invention as claimed in the present application. Therefore, independent claims 7 and 10 are distinguishable over Fukada.*

Examiner respectfully traverses because the Fukada process could be modified by bypassing the step of checking for duplication if there is no need of checking for duplication even a check for duplication file name must always be made as taught by Fukada. In addition, claims 8, 9, 11 and 12 depend directly or indirectly from independent claims 7 and 10. Therefore, these dependent claims are not distinguishable over Fukada for at least the reasons discussed above.

Specification

The amendment to the specification for correcting a typo error, filed 08/06/2004, conformed to 37 CFR 1.125(b) and (c), and has been entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 7 and 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.**

Regarding to claims 7 and 10, the process of *recording the read image file on the second loadable and removable recording medium without checking for duplicate file names in the second loadable and removable recording medium* was not described in the specification. As disclosed in the specification at page 17:

In the embodiment described above, image file names are numbers, but it goes without saying that the image file names are not limited to numbers. In a case where image file names are other than numbers, whether or not image files having file names identical with those of image files that have been read out of a memory card have been recorded on the large-capacity floppy disk 23 would be checked with regard to each individual file name of the image files that have been recorded on the large-capacity floppy disk 23.

Thus, the process of checking for duplicate file names is necessary before recording the image file.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukada et al. [EP 0 838 767 A2].**

Regarding to claims 7 and 10, Fukada teaches a method and device for filing picture images recorded by a digital camera (Fukada, Col. 1, lines 6-15). As disclosed by Fukada, a file name used upon storage of the image file is determined by the title, the date of recording and an identifying number:

file name = title + date of recording + identifying number, for example:

flower0403001 (Col. 6, lines 19-27). To determine a recorded file name from memory card 2 of FIG. 1 as *a first loadable and removable recording medium* to the hard disc as a *second recording medium*, a file name search and comparison is processed. As a result, if 10 image files with identifying numbers 001 to 010 already exist, a following image file is stored in the hard disc under a file name *flower0403011*, with 011 being the identifying number. Alternatively, by storing the fact that identifying numbers 001 through 010 have already been used for a combination of recording property information *flower0403* and referring to this fact, the processing may be started with the

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identifying number starting from 011 the next time (Col. 6, line 55-Col. 7, line 8). As seen, by utilizing the search & comparison process with 10 image files already stored in the hard disk, *flower0403010* as the last file number is determined and incremented by 1 to have *flower0403011* for a new image file. In other words, the process as discussed performs the claimed *reading out a last file-number of file-numbers for image files that have been recorded on the second recording medium; and incrementing the read out last file-number*. Fukada further discloses when a memory card is set into a slot and the processing is started, image files within the memory card are read one by one in the order to recording, and recording property information contained in the image file is referred to (Col. 6, lines 12-16), the file name of this image file is determined by the method as discussed above, and the first image file read out from the memory card is named *flower0403001* as an example (Col. 6, lines 19-27). The file name is changed to *flower0403011* as the incremented file number (Col. 7, lines 1-3), and the next image will be *flower0403012* (Col. 7, lines 6-8). As seen, when an image file has been read out of the memory card, the file is named and the file name is changed to the incremented file number. In other words, the technique as discussed performs the claimed *changing a file name of the image file that has been read out of the first loadable and removable recording medium to the incremented file-number*. The Fukada process is continued by *recording the read image file on the recording medium* (Col. 7, lines 9-17). Fukada fails to disclose the second recording medium is *loadable and removable*, and recording the image file *without checking for duplicate file names in the second loadable and removable recording medium*. However, Fukada uses a conventional computer as the

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device for processing image files. Such a conventional computer as disclosed, a loadable and removable recording medium as an A drive for a floppy disk is obvious. Fukada further makes a strong suggestion, the picture image filing device specifically means, for example a printing system having the above function and set in a laboratory, a personal computer, a work station or the like (Col. 4, lines 1-5). Thus, instead of processing in a hard drive, a loadable and removable recording medium such as floppy disk could be used for storing. In addition, as shown in FIG. 2, the process of checking for duplication could be bypassed if there is no need to check for two files having a same file name. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Fukada device by including a second loadable and removable recording medium when processing the image files from a first storage medium and bypassing the step of checking duplication in order to have a more user-friendly environment by giving drive options for storing data such as a displaying of selection including C, A, and E drive to the users when processing the image from a digital camera or a memory card of digital camera and speed up the process of recording if there is no need for checking file name duplication.

Regarding to claims 8 and 11, Fukada teaches all the claimed subject matters as discussed in claims 7 and 10, Fukada further discloses the steps of *grouping image files, which have been recorded on the second loadable and removable recording medium according to the types of images represented by the image files* (Col. 5, line 49-Col. 6, line 7).

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Regarding to claims 9 and 12, Fukada teaches all the claimed subject matters as discussed in claims 8 and 11, Fukada further discloses the step of *recording a file name corresponding to each group on the second loadable and removable recording medium* (Col. 5, line 49-Col. 6, line 7).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

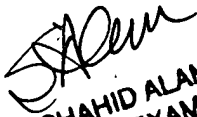
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Hung Pham
December 16, 2004


SHAHID ALAM
PRIMARY EXAMINER